

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DAVID FLOYD, LALIT CLARKSON, DEON DENNIS,
and DAVID OURLICHT, individually and on behalf of a
class of all others similarly situated;

NOTICE OF MOTION

08 CV 01034 (SAS)

Plaintiffs,

-against-

THE CITY OF NEW YORK; NEW YORK CITY POLICE
COMMISSIONER RAYMOND KELLY, in his individual
and official capacity; MAYOR MICHAEL
BLOOMBERG, in his individual and official capacity;
NEW YORK CITY POLICE OFFICER RODRIGUEZ, in
his individual capacity; NEW YORK CITY POLICE
OFFICER GOODMAN, in his individual capacity; NEW
YORK CITY POLICE OFFICER JANE DOE, in her
individual capacity; NEW YORK CITY POLICE
OFFICER ERIC HERNANDEZ, Shield # 15957, in his
individual capacity; NEW YORK CITY POLICE
OFFICER CORMAC JOYCE, Shield # 31274, in his
individual capacity; NEW YORK CITY POLICE
SERGEANT JAMES KELLY, Shield # 92145, in his
individual capacity; NEW YORK CITY POLICE
OFFICER LUIS PICHARDO, Shield # 00794, in his
individual capacity; NEW YORK CITY POLICE
OFFICER ANGELICA SALMERON, Shield # 7116, in
her individual capacity; NEW YORK CITY POLICE
OFFICER MICHAEL COUSIN HAYES, Shield # 3487, in
his individual capacity; NEW YORK CITY POLICE
OFFICER CHRISTOPHER MORAN, in his individual
capacity; and NEW YORK CITY POLICE OFFICERS
JOHN DOES # 1 through #11, in their individual
capacities;

Defendants.

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PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of
Defendants' Motion to Exclude Plaintiffs' Proposed Expert Reports, Opinions, and Testimony of
Jeffrey Fagan, Ph.D, dated December 19, 2011; the Declaration of Heidi Grossman, dated
December 19, 2011 and supporting exhibits; and the Declaration of Dennis C. Smith, Ph.D.,

dated December 19, 2011 and supporting exhibits; and upon all prior pleadings and proceedings had herein, defendants City of New York, Mayor Michael Bloomberg, New York City Police Commissioner Raymond Kelly, Sergeant James Kelly, Police Officer Rodriguez, Police Officer Goodman, Police Officer Cormac Joyce, Police Officer Eric Hernandez, Police Officer Luis Pichardo, Police Officer Angelica Salmeron, Police Officer Michael Cousin-Hayes, and Police Officer Christopher Moran will move this Court before the Honorable Shira A. Scheindlin, United States District Judge at the United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York on a date and time to be determined by the Court, for an order pursuant to Rule 702 of the Federal Rules of Evidence excluding from evidence all reports and opinions stated by Jeffrey Fagan, Ph.D.

PLEASE TAKE FURTHER NOTICE, that opposition papers, if any, must be served on the undersigned on or before February 2, 2012; and

PLEASE TAKE FURTHER NOTICE, that any reply papers by Defendants must be served on or before February 16, 2012.

Dated: New York, New York
December 19, 2011

MICHAEL A. CARDOZO
Corporation Counsel of the City of New York
Attorney for Defendants City of New York, Mayor
Bloomberg, New York City Police Commissioner
Kelly, Sergeant Kelly and Officers Rodriguez,
Goodman, Joyce, Hernandez, Pichardo, Salmeron,
Cousin-Hayes, and Moran
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By: 

HEIDI GROSSMAN
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